

DOCKET NO. 3:00-cr-169-FDW

Defendant.

ORDER

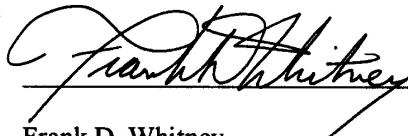
In his Motion, Defendant asserts that he “has rendered substantial assistance under the pretense of a coming Rule 35.” (Def.’s Mot., Doc. No. 196, at 1.) Defendant provides no more specific assertions and states nothing suggesting that the Government has acted out of an

unconstitutional animus or that its actions lack a rational relation to permissible government objectives. Defendants statements therefore do not even approach, let alone satisfy, the “substantial threshold showing” required by the Fourth Circuit before this Court may question the Government’s refusal to make a Rule 35 motion.

Accordingly, Defendant’s Motion is DENIED.

IT IS SO ORDERED.

Signed: April 27, 2009


Frank D. Whitney
United States District Judge

